

# EXHIBIT 1

**In the Matter Of:**  
**FAIR FIGHT ACTION vs BRAD RAFFENSPERGER**

1:18-cv-05391-SCJ

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**SEAN P. TRENDE**

*April 16, 2020*

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FAIR FIGHT ACTION vs BRAD RAFFENSPERGER

April 16, 2020

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

FAIR FIGHT ACTION, INC.; )  
CARE IN ACTION, INC.; )  
EBENEZER BAPTIST CHURCH OF )  
ATLANTA, GEORGIA, INC.; )  
BACONTON MISSIONARY BAPTIST )  
CHURCH, INC.; )  
VIRGINIA-HIGHLAND CHURCH, )  
INC.; and THE SIXTH )  
EPISCOPAL DISTRICT, INC., )

Plaintiffs, )

v. )

CIVIL ACTION FILE  
NO. 1:18-cv-05391-SCJ

BRAD RAFFENSPERGER, in his )  
Official capacity as Secretary )  
of State of the State of )  
Georgia and as Chair of the )  
State Election Board of Georgia;) )  
REBECCA N. SULLIVAN, )  
DAVID J. WORLEY, and SETH HARP, )  
in their official capacities )  
as members of the STATE ELECTION) )  
BOARD; and STATE ELECTION BOARD,) )

Defendants. )

REMOTE DEPOSITION OF  
SEAN P. TRENDE

10:09 a.m.  
April 16, 2020

1146 Elderberry Loop  
Delaware, Ohio

Penny McPherson Walker, CCR-B-914, RPR

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APPEARANCES OF COUNSEL

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On behalf of the Defendants:

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(Plaintiffs' Exhibits 1, 2 and 3 have been attached to the original transcript.)

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Remote Deposition of Sean P. Trende

April 16, 2020

(Reporter disclosure made pursuant to Article  
10.B. of the Rules and Regulations of the Board of  
Court Reporting of the Judicial Council of Georgia.)

(Reporter reads statement regarding remote  
swearing of the witness.)

SEAN P. TRENDE, having been first duly  
sworn, was examined and testified as follows:

EXAMINATION

BY MR. DUBOSE:

Q. Good morning, Mr. Trende. My name is Von  
DuBose. I represent the plaintiffs in this case.

MR. DUBOSE: This will be the deposition  
of Sean Trende, taken for all permissible  
purposes under the Federal Rules.

Q. (By Mr. DuBose) Would you state your whole  
name and spell it for the court reporter, please.

A. It's Sean Patrick Trende, S-E-A-N,  
P-A-T-R-I-C-K, T-R-E-N-D-E.

Q. Mr. Trende, have you been deposed before?

A. Yes.

Q. So you know how this goes; you understand  
you are under oath as if you were in court.



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1 A. Yes. 10:09:56

2 Q. I'll try to be clear and fair in asking my 10:09:56  
3 questions. If you don't understand or if you don't 10:10:00  
4 hear me, please ask me to repeat; I don't mind. If 10:10:02  
5 you answer a question, I will assume you understood 10:10:06  
6 the question. Is that fair? 10:10:08

7 A. Yes. 10:10:10

8 Q. Are you on any medications that would 10:10:11  
9 impair your ability to testify accurately here today? 10:10:13

10 A. No. 10:10:17

11 Q. We can take a break whenever you like. 10:10:17  
12 The only thing I ask is if I have a question on the 10:10:22  
13 table that you answer that question before taking the 10:10:25  
14 break. Is that fair? 10:10:28

15 A. Yes. 10:10:28

16 Q. Mr. Trende, are you represented by counsel 10:10:29  
17 here today? 10:10:31

18 A. You know, the rule on expert attorney 10:10:32  
19 privilege came in after I left the practice of law. 10:10:40  
20 So I don't think I have an attorney-client 10:10:44  
21 relationship with someone, but I would imagine the 10:10:47  
22 State of Georgia under this new privilege has some 10:10:50  
23 relationship with me. 10:10:53

24 Q. So I take that as a no. 10:10:54

25 A. You should take that as I don't really 10:10:58

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1 know how this new expert attorney privilege thing 10:11:01  
2 works. I'm not in an attorney-client relationship 10:11:04  
3 with anyone, to my knowledge. 10:11:07

4 Q. We can sort that out. 10:11:09

5 MR. DUBOSE: Bryan, we're reserving all 10:11:12  
6 objections except for privilege and form? 10:11:15

7 MR. TYSON: Yes, that's acceptable. 10:11:17  
8 Thanks. 10:11:19

9 MR. DUBOSE: I just want to attach the 10:11:23  
10 Notice of Deposition as the first exhibit. 10:11:25

11 Penny, do you have that? 10:11:29

12 (Discussion ensued off the record.) 10:11:43

13 (Plaintiffs' Exhibit 1 was marked for 10:11:43  
14 identification.) 10:11:43

15 MR. DUBOSE: Let's attach that as 10:11:44  
16 Exhibit 1. 10:11:45

17 Q. (By Mr. DuBose) Mr. Trende, Exhibit 1 to 10:11:47  
18 your deposition will be the Notice of Deposition. 10:11:48  
19 I'm not going to ask you any questions about that; 10:11:49  
20 just for the sake of a complete record, we're 10:11:52  
21 attaching that as an exhibit to your deposition. 10:11:54

22 So, Mr. Trende, you were asked to bring -- 10:12:02  
23 are you -- one more question. 10:12:09

24 Actually, never mind. Mr. Trende, we 10:12:12  
25 received from Mr. Tyson yesterday a couple of 10:12:31



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1 documents. One was an invoice that you forwarded to 10:12:35  
2 the State for your work and I think one more thing. 10:12:37  
3 I don't recall it. 10:12:57

4 MR. DUBOSE: Bryan, what was the other 10:12:57  
5 thing you sent yesterday, the invoice and what 10:12:58  
6 else? 10:13:02

7 MR. TYSON: I believe it was a cover 10:13:03  
8 e-mail where Mr. Trende sent the invoice and 10:13:05  
9 then the invoice itself. So those were the two 10:13:07  
10 documents related to request number 1 in the 10:13:12  
11 notice on his billing. 10:13:16

12 Q. (By Mr. DuBose) So we have the invoice 10:13:16  
13 and a cover e-mail. Mr. Trende, do you have any 10:13:17  
14 additional documents that may be responsive to our 10:13:20  
15 requests as you sit here this morning? 10:13:24

16 A. No. 10:13:26

17 Q. Mr. Trende, when were you first contacted 10:13:27  
18 about serving as an expert in this case? 10:13:34

19 A. I don't know. 10:13:37

20 Q. Can you give me a year? 10:13:38

21 A. Probably 2019. 10:13:40

22 Q. Can you give me a season in that year? 10:13:44  
23 Winter? Fall? Spring? 10:13:49

24 A. Probably fall. 10:13:54

25 Q. Can you give me a month? 10:13:56

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1	A.	No.	10:13:58
2	Q.	Who contacted you?	10:13:58
3	A.	I believe Mr. Tyson.	10:14:01
4	Q.	Was that e-mail or phone?	10:14:05
5	A.	I don't know.	10:14:11
6	Q.	You can't recall?	10:14:12
7	A.	Can't recall.	10:14:14
8	Q.	Did you know Mr. Tyson before you were	10:14:15
9		contacted by him about serving as an expert in this	10:14:22
10		case?	10:14:26
11	A.	Not that I can remember.	10:14:26
12	Q.	Do you have any notes or anything to that	10:14:28
13		effect regarding the initial communications with	10:14:41
14		Mr. Tyson when you were contacted about serving as an	10:14:44
15		expert in this case?	10:14:49
16	A.	Certainly not.	10:14:50
17	Q.	So when you are contacted about an	10:14:52
18		engagement, what is your typical practice? Do you	10:15:01
19		not take notes at all, or do you just kind of keep it	10:15:05
20		all in your head?	10:15:09
21	A.	I usually try to keep it all in my head.	10:15:10
22		As a former attorney, I try not to create those sorts	10:15:14
23		of documents.	10:15:17
24	Q.	So it's intentional that you don't create	10:15:18
25		documents when you're contacted?	10:15:21



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1 A. It seems to work not creating them, and 10:15:23  
2 there's no downside to not creating them. So... 10:15:26

3 Q. What's the upside to not creating them? 10:15:29

4 A. You don't create a paper record as an 10:15:31  
5 attorney, just as I imagine -- just as I imagine you 10:15:34  
6 would hope your experts don't do that. 10:15:36

7 Q. But you're not serving as an attorney in 10:15:39  
8 this case, are you? 10:15:41

9 A. No, but I know how being an expert works, 10:15:42  
10 and I know how things work on the attorney side of 10:15:46  
11 things. 10:15:49

12 Q. So you don't create them because you know 10:15:49  
13 you may get a request that you produce those 10:15:51  
14 documents at some point in time, right? 10:15:54

15 A. That's certainly it. 10:15:56

16 Q. And throughout your service as an expert 10:15:57  
17 in this case, have you followed that practice of 10:16:01  
18 creating as little paper as possible? 10:16:05

19 A. Yes. 10:16:09

20 Q. Outside of the invoice that you sent over, 10:16:14  
21 do you have any documents that relate to the 10:16:20  
22 compensation for the work that you've done in this 10:16:24  
23 case? 10:16:25

24 A. No. 10:16:26

25 Q. I notice that the invoice did not have 10:16:28

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1 detail. Do you have any notes that record the detail 10:16:31  
2 of the work you've performed on behalf of the State 10:16:35  
3 in this case? 10:16:39

4 A. No. 10:16:39

5 Q. So how do you keep record of the time you 10:16:40  
6 spent on the case? Is that handwritten, or is that 10:16:44  
7 in your head too? 10:16:49

8 A. Mostly in my head. 10:16:50

9 Q. So do you record at the end of, what, 10:16:52  
10 every week or month or day the amount of time you 10:16:56  
11 spent on a case? 10:17:00

12 A. A lot of it I can just remember from the 10:17:01  
13 time that I spent, what days I spent on it. I know 10:17:04  
14 what my normal workday is, and I can create it that 10:17:06  
15 way. I have no written documents. 10:17:11

16 Q. So you were first contacted in the fall 10:17:13  
17 of 2019 about serving as an expert in this case, 10:17:16  
18 right? 10:17:19

19 A. I believe so. 10:17:19

20 Q. And the invoice that you generated I 10:17:19  
21 believe is dated for what month of this year? 10:17:23

22 A. I don't have it in front of me. 10:17:29

23 Q. Well, but between the time that you were 10:17:31  
24 retained and the time you generated that invoice, 10:17:34  
25 your testimony is that there is not one single piece 10:17:39

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1 of paper that details the amount of time you spent 10:17:42  
2 working on this case and the particular services 10:17:46  
3 provided for each entry of work; there's not one 10:17:49  
4 single piece of paper? 10:17:57

5 A. Yes. 10:17:58

6 Q. That's correct? I'm correct in what I'm 10:18:00  
7 saying? 10:18:02

8 A. Yes. 10:18:03

9 Q. That's a pretty good memory. Did anyone 10:18:04  
10 execute an engagement letter for the services that 10:18:17  
11 you provided in this case? 10:18:20

12 A. I don't believe so. 10:18:24

13 Q. Have you been retained personally, or was 10:18:25  
14 RealPolitics -- or RealClearPolitics retained? 10:18:31

15 A. RealClearPolitics is not involved. 10:18:33

16 Q. So do you have a company that you work 10:18:37  
17 through that is your own when you provide expert 10:18:42  
18 witness services? 10:18:45

19 A. No. 10:18:46

20 Q. So you work through your personal, 10:18:48  
21 individual profile; is that correct? 10:18:55

22 A. Yes. 10:19:02

23 Q. So you don't have a corporate entity 10:19:07  
24 through which you work to provide expert services? 10:19:12

25 A. I don't have any corporate entity, period. 10:19:15

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1 Q. So is there an engagement letter between 10:19:19  
2 the defendants and you individually? 10:19:24

3 A. Not to my recollection. If there was, 10:19:27  
4 Mr. or -- Mr. Tyson would have it. 10:19:31

5 Q. So the services you are providing are 10:19:35  
6 pretty much pursuant to an oral agreement? 10:19:40

7 A. I think that's right. 10:19:43

8 MR. TYSON: Von, before we get too much 10:19:47  
9 farther, I believe we do have an engagement 10:19:51  
10 letter that outlines a lot more than just 10:19:52  
11 compensation. So I can provide a redacted 10:19:55  
12 version of that if you think that's responsive. 10:20:00

13 MR. DUBOSE: Sure. You need time to 10:20:01  
14 redact it; is that what you're saying? 10:20:02

15 MR. TYSON: Yes, so I can take a look. 10:20:04

16 MR. DUBOSE: If you could do that while 10:20:09  
17 we're together here today and send it over and 10:20:11  
18 if I have anything additional on it, I'll circle 10:20:13  
19 around to it so we'll keep moving. 10:20:20

20 MR. TYSON: Sounds good. I'll look into 10:20:23  
21 that. 10:20:26

22 MR. DUBOSE: All right. Thanks. 10:20:26

23 Q. (By Mr. DuBose) So, Mr. Trende, did you 10:20:26  
24 just forget that there was an engagement letter in 10:20:28  
25 this case? 10:20:30

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1 A. I do a lot of expert work. Sometimes 10:20:30  
2 there's engagement letters; sometimes there aren't. 10:20:34  
3 I don't remember there being one here. 10:20:37  
4 Q. What is your hourly rate for the services 10:20:39  
5 you provided in this case? 10:20:44  
6 A. I believe it's 300 an hour. That's my 10:20:45  
7 standard rate. 10:20:51  
8 Q. When did you begin work on this case? 10:20:52  
9 A. I don't know. 10:20:56  
10 Q. Was it shortly after you got the call from 10:20:58  
11 Mr. Tyson? 10:21:02  
12 A. I seem to remember you-all were stalled 10:21:03  
13 out, and there was some sort of discovery battle or 10:21:06  
14 something. I don't think I started right away. 10:21:10  
15 Q. Have you been paid yet? 10:21:12  
16 A. Yes. 10:21:15  
17 Q. Paid in full? 10:21:16  
18 A. Yes. 10:21:18  
19 Q. Do you have any documents, including 10:21:19  
20 communications with counsel for defendants, that 10:21:33  
21 identify facts or data that the defense counsel 10:21:37  
22 provided and that you considered in forming the 10:21:40  
23 opinions you are expressing in this case? 10:21:43  
24 A. I believe Dr. Graves included his data 10:21:45  
25 helpfully in his report, so I didn't need to obtain 10:21:51

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1 anything other than the reports in this case. 10:21:56

2 Q. So notwithstanding what you needed to 10:21:59  
3 obtain, my question was: Were you provided with any 10:22:09  
4 documents by defense counsel? 10:22:12

5 A. No. That's my answer; I don't think 10:22:15  
6 there's anything to obtain other than what Dr. Graves 10:22:18  
7 reported. So other than the expert reports that were 10:22:22  
8 provided to me by counsel, I don't think there was 10:22:25  
9 anything else. 10:22:27

10 Q. Do you have any documents, including 10:22:28  
11 communications with counsel for defendants, that 10:22:35  
12 identify assumptions that the defendants' attorney 10:22:38  
13 provided that the expert relied on in forming 10:22:42  
14 opinions? So do you have anything as to identifying 10:22:45  
15 the assumptions that defense counsel made with 10:22:48  
16 respect to the subject matter of your expert report? 10:22:52

17 A. I don't believe so. 10:22:55

18 Q. What did you do to prepare for this 10:22:57  
19 deposition? 10:23:00

20 A. I had a conversation with counsel and 10:23:00  
21 looked over the exhibits that were provided by 10:23:02  
22 plaintiffs' counsel. 10:23:06

23 Q. You say counsel; you mean Mr. Tyson? 10:23:08

24 A. Yes. 10:23:10

25 Q. And have you reviewed Dr. Graves' 10:23:11

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1	deposition?	10:23:20
2	A. No.	10:23:20
3	Q. So I want to talk to you a little bit	10:23:21
4	about your qualifications now. You've offered	10:23:29
5	opinions in (inaudible), right?	10:23:29
6	A. Correct.	10:23:29
7	THE REPORTER: I'm sorry. Mr. DuBose, I'm	10:23:29
8	sorry, I did not hear all that question.	10:23:29
9	Q. (By Mr. DuBose) Okay. Mr. Trende, you've	10:23:42
10	offered opinions in other voting cases, correct?	10:23:43
11	A. That's correct.	10:23:46
12	MR. DUBOSE: Am I fading out when I move	10:23:48
13	away from my device, Penny?	10:23:48
14	THE REPORTER: A little bit, yes.	10:23:48
15	MR. DUBOSE: I'll make sure I stay close.	10:23:48
16	THE REPORTER: Thank you.	10:23:57
17	Q. (By Mr. DuBose) One of those cases was	10:23:57
18	Common Cause versus Rucho --	10:23:59
19	A. Rucho.	10:23:59
20	Q. -- Rucho in the Middle District of North	10:24:02
21	Carolina, right?	10:24:07
22	A. Correct.	10:24:08
23	Q. And your report in that case was dated	10:24:09
24	approximately April of 2017, so maybe about three	10:24:13
25	years ago?	10:24:17

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1 A. I don't have it in front of me, but I'll 10:24:18  
2 accept your stipulation. 10:24:22

3 Q. And at the time you generated that expert 10:24:23  
4 report, you had an undergrad degree, a law degree, 10:24:27  
5 and a master's in political science; is that right? 10:24:35

6 A. That's right. 10:24:39

7 Q. And, at the time, you were a doctoral 10:24:39  
8 student at The Ohio State University; is that right? 10:24:43

9 A. Thank you for getting the title right. 10:24:49  
10 Yes. 10:24:53

11 Q. Well, I went to law school in Cleveland, 10:24:54  
12 so even though I'm a Michigan fan, I've heard The 10:24:54  
13 Ohio State University enough times to at least give 10:24:58  
14 the institution it's proper name. 10:24:59

15 A. We appreciate that. 10:25:03

16 Q. All right. And since the 2017 expert 10:25:07  
17 report, is it correct you've completed a second 10:25:11  
18 master's degree? 10:25:14

19 A. That's correct. 10:25:16

20 Q. In applied statistics? 10:25:17

21 A. Correct. 10:25:20

22 Q. In your second master's degree did you 10:25:20  
23 conduct any original research? 10:25:26

24 A. No. 10:25:32

25 Q. Let's turn to your doctoral work. The CV 10:25:33



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1 you provided us in this case said you expect your 10:25:47  
2 Ph.D. this year. 10:25:51

3 A. Yeah, it should be updated to next year. 10:25:52

4 Q. Next year? 10:25:55

5 A. Yes. 10:25:56

6 Q. Have you finished all of your course work? 10:25:58

7 A. Yes. 10:26:02

8 Q. Have you defended your thesis yet? 10:26:05

9 A. No. That is usually done shortly before 10:26:10  
10 you graduate. 10:26:14

11 Q. So what would -- 10:26:15

12 A. By thesis -- 10:26:15

13 Q. Go ahead. I'm sorry. 10:26:19

14 A. By thesis I assume you mean the 10:26:20  
15 dissertation. 10:26:23

16 Q. Sure. That's what I mean. So you said 10:26:24  
17 that the expected date of completion should be 10:26:33  
18 updated to next year. Is there a reason for the 10:26:36  
19 delay? 10:26:38

20 A. One of my committee members committed 10:26:39  
21 suicide late last year, so I've had to reconfigure 10:26:44  
22 some things. 10:26:48

23 Q. Okay. I'm sorry to hear that. 10:26:49

24 A. Yes. 10:26:53

25 Q. Do you have some teaching responsibilities 10:26:53

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1 in connection with your Ph.D. program?

10:27:07

2 A. Yes.

10:27:10

3 Q. Are you currently still in the semester  
4 for school?

10:27:10

10:27:14

5 A. Yeah. I mean, we're teaching remotely,  
6 but we're still on the semester.

10:27:17

10:27:22

7 Q. And what are you teaching right now?

10:27:26

8 A. Voting and -- I can't remember the exact  
9 title, but it's voting participation and turnout.

10:27:30

10:27:35

10 Q. Anything else?

10:27:38

11 A. No.

10:27:41

12 Q. And this is at Ohio State?

10:27:42

13 A. Yes.

10:27:53

14 Q. I'm assuming you have a syllabus for that  
15 class.

10:27:54

10:28:03

16 A. Yes.

10:28:04

17 Q. Is it available online?

10:28:04

18 A. I don't believe so.

10:28:05

19 Q. What classes have you taught in the past?

10:28:15

20 A. I taught Intro to American Politics for  
21 three semesters at Ohio State, and then my sophomore  
22 year -- or sophomore year -- second year, spring  
23 semester, sorry about that, I was asked by Ohio  
24 Wesleyan University to teach Media in American  
25 Government.

10:28:22

10:28:27

10:28:33

10:28:37

10:28:41

10:28:46

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1 Q. Anything else? 10:28:47

2 A. No. 10:28:50

3 Q. Any syllabus available for those other two 10:28:50

4 classes online anywhere? 10:29:00

5 A. I don't know if they have been put up 10:29:03

6 online or not. Usually the department does that. 10:29:08

7 Q. What's the topic of your dissertation? 10:29:11

8 A. It's a three-papers dissertation. 10:29:14

9 Q. Okay. 10:29:17

10 A. One of them is Supreme Court voting 10:29:18

11 patterns in the early 1900s; one of them is ballot 10:29:21

12 order effect, and one of them is spatio-temporal 10:29:25

13 modeling of the Southern realignment. 10:29:31

14 Q. Any of the three finished yet, the 10:29:36

15 dissertation papers? 10:29:42

16 A. No. 10:29:43

17 Q. At any time in your career have you 10:29:43

18 designed and executed a study yourself from start to 10:29:49

19 finish? 10:29:52

20 A. I think I know what you mean by study, but 10:29:57

21 as broadly as you worded it, I would have to say yes, 10:30:04

22 with some of my RealClearPolitics stuff. I'm 10:30:09

23 assuming you mean an academic study. 10:30:12

24 Q. Yes, and let's do it this way. You can 10:30:14

25 certainly say anything or reference anything you've 10:30:17

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1 done through RealClear. Let's take it outside of 10:30:20  
2 RealClear. Have you designed and executed a study 10:30:24  
3 outside of anything you've done with 10:30:28  
4 RealClearPolitics? 10:30:30

5 A. Well, again, you know, I've written a 10:30:31  
6 book. I've written several book chapters, but if you 10:30:33  
7 want to narrow it down to peer-reviewed published 10:30:38  
8 literature, the answer is no, which I think is what 10:30:40  
9 you're getting at. 10:30:43

10 Q. Okay. So let's just kind of work through 10:30:43  
11 this a little bit to kind of parse it. RealClear or 10:31:00  
12 not, have you ever developed a hypothesis for a 10:31:05  
13 study? 10:31:07

14 A. Yes. 10:31:08

15 Q. What was that study? 10:31:19

16 A. I mean, every paper or every study you 10:31:21  
17 have, every paper you write for a course has a 10:31:25  
18 hypothesis in it, and developing hypotheses is one of 10:31:29  
19 the core things in statistical course work. 10:31:34

20 Q. And so you're referencing studies that 10:31:37  
21 you've done as it relates to your academic career, 10:31:41  
22 not necessarily something that you've done 10:31:47  
23 professionally outside of your academic career; is 10:31:48  
24 that right? 10:31:54

25 A. I said everything, just about everything 10:31:54

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1 you do involves the formulation of a hypothesis that 10:31:57  
2 you're interested in pressing. 10:32:02

3 Q. So you're referencing exercises in your 10:32:08  
4 studies as you progress toward the degrees that you 10:32:11  
5 have, right? I'm talking about more so in a 10:32:14  
6 professional academic setting where you have reached 10:32:21  
7 wherever it is you're going, and then you start to 10:32:23  
8 generate and you ended it up as peer-reviewed content 10:32:27  
9 that you -- say, for instance, if you're on tenure 10:32:35  
10 track at an academic institution, those are the kind 10:32:39  
11 of things that you are going to be doing. 10:32:42

12 So what I'm trying to do is determine 10:32:44  
13 whether outside of your academic travels where you 10:32:46  
14 are seeking your degrees, master's degrees, your 10:32:50  
15 Ph.D. program, have you been a part of or have you 10:32:52  
16 participated in any study where you have designed and 10:32:58  
17 executed a study from start to finish. 10:33:03

18 A. Haven't authored any peer-reviewed 10:33:06  
19 literature, so that would include developing a 10:33:09  
20 hypothesis for peer-reviewed literature. 10:33:12

21 Q. During your testimony in North Carolina, 10:33:18  
22 the Common Cause case, you testified that you would 10:33:23  
23 not call yourself a political scientist; is that 10:33:26  
24 right? 10:33:30

25 A. I will accept your stipulation on that. 10:33:30

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1 Q. Do you recall that? 10:33:33

2 A. No. 10:33:34

3 Q. And you still do not consider yourself a 10:33:35  
4 political scientist, correct? 10:33:54

5 A. I wouldn't call myself a political 10:33:55  
6 scientist. 10:34:00

7 Q. Why not? 10:34:00

8 A. Because I'm not a political science 10:34:01  
9 professor. 10:34:04

10 Q. Is that the only reason? 10:34:06

11 A. As I sit here, that's the only reason. 10:34:09

12 Q. Well, if you think of something else after 10:34:19  
13 the fact, let Mr. Tyson know so he can get that 10:34:22  
14 information on over to us. Okay? 10:34:25

15 A. Gotcha. 10:34:27

16 Q. I'm going to butcher this, but you do 10:34:29  
17 consider yourself a psephologist; is that right? 10:34:32

18 A. Yeah, that's a word that seems to give a 10:34:37  
19 lot of otherwise intelligent people unwarranted 10:34:40  
20 confusion. So I don't really use it anymore, but, 10:34:44  
21 yes, a psephologist is somebody who studies 10:34:48  
22 elections. 10:34:52

23 Q. Did I pronounce it correctly? 10:34:52

24 A. You did. 10:34:54

25 Q. So I was kind of grinding on the 10:34:56

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1 pronunciation. You are a psephologist in your own 10:35:00  
2 estimation, right? 10:35:05

3 A. I study elections, and a psephologist is 10:35:05  
4 somebody who studies elections, so yes. 10:35:09

5 Q. There's no academic degree in psephology, 10:35:12  
6 is there, to your knowledge? 10:35:15

7 A. No. There's no academic degree in 10:35:17  
8 redistricting either, but you can be a redistricter. 10:35:21  
9 It doesn't make the word any less real. 10:35:24

10 Q. Sure. And I'm not challenging whether 10:35:26  
11 it's real or not; just trying to understand. So 10:35:29  
12 there's no academic curriculum one would follow in 10:35:34  
13 order to become a psephologist; is that right? 10:35:41

14 A. Ohio State doesn't offer any sort of 10:35:43  
15 accreditation or whatever in elections or minors or 10:35:51  
16 anything like that. I can't speak to other programs. 10:35:56

17 Q. Are there any professional organizations 10:36:00  
18 that psephologists typically belong to or associate 10:36:05  
19 with? 10:36:09

20 A. I mean, if you're a Ph.D. who studies 10:36:10  
21 elections, you would be probably a member of APSA or 10:36:15  
22 some of the other professional organizations. 10:36:20

23 Q. What does APSA stand for? 10:36:22

24 A. American Political Science Association. 10:36:24

25 Q. Are you a member? 10:36:27

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1 A. I have been. I can't remember if I am 10:36:28  
2 right now or not. 10:36:30

3 Q. Any other professional organizations for 10:36:33  
4 psephologists? 10:36:37

5 A. Well, there's associations for political 10:36:37  
6 scientists that if you are someone who studies 10:36:40  
7 elections you would be a member of. They aren't 10:36:43  
8 specifically for people who study elections. 10:36:48

9 Q. Any other professional organizations that 10:36:51  
10 you're a member of where one of the primary 10:36:55  
11 characteristics is that the member study elections? 10:36:59

12 A. No. Not that I can think of. 10:37:03

13 Q. There's no agreed-upon methodology by 10:37:06  
14 which psephologists make their predictions, right? 10:37:18

15 A. Yeah. There's a variety of approaches. 10:37:21

16 Q. You've mentioned that you don't belong to 10:37:31  
17 the APSA. How about the Association of Political 10:37:41  
18 Theory? 10:37:44

19 A. I didn't say I didn't belong to APSA. I 10:37:45  
20 said I couldn't remember if I still do. 10:37:49

21 Q. Okay. 10:37:51

22 A. I don't belong to the Association of 10:37:52  
23 Political Theorists. 10:37:55

24 Q. Do you do a fair amount of public 10:38:06  
25 speaking? 10:38:14



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1 A. Not right now but I have, yes. 10:38:14

2 Q. In the last two years have you been fairly 10:38:21  
3 active? 10:38:24

4 A. It's been -- it's slowed down considerably 10:38:24  
5 in the age of Trump, but I do speeches. 10:38:29

6 Q. Why has it slowed down in the age of 10:38:33  
7 Trump? 10:38:36

8 A. We think that politics has become so nasty 10:38:36  
9 and polarized that event planners are reluctant to 10:38:44  
10 put political speakers on the agenda. 10:38:49

11 Q. Who has been reluctant to put political 10:38:52  
12 speakers on the agenda? 10:38:57

13 A. Event planners. 10:38:58

14 Q. Would you consider yourself a political 10:38:59  
15 speaker? 10:39:03

16 A. I do political speaking. 10:39:03

17 Q. When you say "we believe," are you talking 10:39:05  
18 about RealClearPolitics? 10:39:15

19 A. No. Some other political speakers that 10:39:17  
20 I've talked to as well have noticed a downturn. 10:39:19  
21 Obviously, with the shutdowns, there's nothing going 10:39:29  
22 on. 10:39:31

23 Q. Sure. So would you agree with the 10:39:32  
24 sentiment that the political climate has gotten so -- 10:39:54  
25 what was the word you used, nasty? 10:39:58

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1	A.	Yes.	10:40:01
2	Q.	Would you agree with that sentiment?	10:40:01
3	A.	I think the political climate right now is	10:40:04
4		pretty nasty.	10:40:07
5	Q.	Unnecessarily so?	10:40:08
6	A.	I think some of it is deserved.	10:40:10
7	Q.	Like what?	10:40:15
8	A.	I don't think too much of the current	10:40:17
9		president. I understand why people are horrified.	10:40:19
10	Q.	Turning to your report in other cases in	10:40:25
11		which you've testified, I think we covered -- what	10:40:44
12		was the North Carolina case? -- Common Cause versus	10:40:48
13		Rucho. You also did work in Dixon versus Rucho; is	10:40:54
14		that right?	10:40:59
15	A.	That's right.	10:40:59
16	Q.	Seems to be about a 2011 case. Does that	10:41:00
17		sound right timewise?	10:41:05
18	A.	I think it was two thousand -- about,	10:41:07
19		yeah.	10:41:16
20	Q.	You indicated in that report that you also	10:41:16
21		submitted a report in the Covington case. Do you	10:41:18
22		recall that?	10:41:20
23	A.	I wouldn't -- I don't think I would have	10:41:21
24		said that in the Dixon v. Rucho report, but I did	10:41:23
25		file an expert report in the Covington case.	10:41:27

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1 Q. And both of those cases, Dixon and 10:41:30  
2 Covington, involved challenges to maps for the North 10:41:34  
3 Carolina state legislative bodies; is that right? 10:41:38  
4 A. Yes. They were identical cases. Well, 10:41:41  
5 functionally identical cases I should say. 10:41:47  
6 Q. And you testified for the State defending 10:41:50  
7 the maps as drawn, correct? 10:41:53  
8 A. I testified for the State. My opinion was 10:41:55  
9 that the maps would tend to elect Republicans. I 10:42:02  
10 don't know if that's really defending the maps as 10:42:08  
11 drawn. 10:42:11  
12 Q. Have you ever testified for a plaintiff in 10:42:11  
13 a case? 10:42:17  
14 A. No. I've never been asked. 10:42:18  
15 Q. In the Covington case, was there a trial? 10:42:26  
16 A. Yes. 10:42:28  
17 Q. Did you testify at trial? 10:42:29  
18 A. No. 10:42:32  
19 Q. Why not; do you know? 10:42:32  
20 A. My understanding is that since the 10:42:37  
21 Covington case and Dixon case were functionally the 10:42:42  
22 same, there was an agreement between the parties to 10:42:47  
23 bring in the record from the Dixon case. And when 10:42:50  
24 the record from the Dixon case got brought in and 10:42:53  
25 admitted, my report from Dixon got brought in and 10:42:56

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1 admitted.

10:43:00

2 And so, since my testimony was already  
3 admitted into evidence or my written testimony was  
4 already admitted into evidence, they figured they  
5 could argue from that.

10:43:01

10:43:03

10:43:07

10:43:11

6 Q. Did you testify in the Dixon case?

10:43:11

7 A. No.

10:43:14

8 Q. And did the Dixon case, to your knowledge,  
9 go to trial?

10:43:15

10:43:23

10 A. I believe it did 'cause it went up to -- I  
11 don't know if there was a trial or just an  
12 evidentiary hearing, but it went up to the Supreme  
13 Court of North Carolina, so there was something.

10:43:23

10:43:28

10:43:30

10:43:34

14 Q. In the Dixon or Covington cases, were  
15 there any motions to exclude or limit your opinions?

10:43:37

10:43:42

16 A. I didn't even get deposed in Dixon, so I  
17 would imagine there wasn't any motion in limine  
18 there. I believe there was in Covington, but I'm not  
19 sure.

10:43:45

10:43:51

10:43:55

10:43:57

20 Q. In Covington do you know what the result  
21 of the motion to exclude or limit was?

10:43:58

10:44:05

22 A. Because my report got brought in as  
23 evidence, I don't know if the Court ended up ruling  
24 on it, but it might have. I don't know.

10:44:12

10:44:20

10:44:23

25 Q. It might have what?

10:44:26

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1           A.       The Court might have ruled on the motion. 10:44:28  
2       I don't think it did because they brought in my 10:44:31  
3       report from Rucho -- not Rucho -- from Dixon as 10:44:33  
4       evidence. So I don't think the Court ended up 10:44:37  
5       ruling. 10:44:40

6           Q.       Is it fair that most of your work as an 10:44:41  
7       expert has been in redistricting cases? 10:44:45

8           A.       Hum. It's certainly been a fair amount. 10:44:54  
9       I don't know if it's been a majority. 10:45:01

10          Q.       So how does your work in redistricting 10:45:05  
11       cases translate to a case like this where the issue 10:45:10  
12       on which you are offering an opinion is simply 10:45:15  
13       whether the lines to vote were longer in the majority 10:45:18  
14       or minority districts than -- I'm sorry -- longer in 10:45:22  
15       majority-minority districts than they were in 10:45:27  
16       majority-majority districts? 10:45:31

17                 MR. TYSON: I'll object to form. 10:45:34

18          Q.       (By Mr. DuBose) You understand the 10:45:35  
19       question, right? 10:45:36

20          A.       I think I understand the question. I just 10:45:37  
21       don't know if I know the answer. 10:45:40

22          Q.       Need a second? 10:45:53

23          A.       No. That's something that depends on how 10:45:56  
24       the lawyers are going to argue it. I mean, I think 10:46:01  
25       to the extent that I've been admitted, I suppose if I 10:46:04

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1 were putting on my lawyer hat, to the extent that 10:46:07  
2 I've been admitted as an expert in other cases, it's 10:46:10  
3 informative -- in other election-related cases, it's 10:46:13  
4 informative of whether I should be admitted here, but 10:46:16  
5 that's getting down into the weeds. 10:46:19

6 Q. No. You can leave your lawyer hat in the 10:46:21  
7 closet. Let's go with the expert hat. So how does 10:46:24  
8 your work in redistricting cases translate to what 10:46:24  
9 you're doing in this case? 10:46:28

10 A. Well, I think -- 10:46:30

11 Q. Is it completely unrelated, or are we 10:46:33  
12 drawing from a different pool of talents here? 10:46:36

13 MR. TYSON: Objection. 10:46:36

14 Q. (By Mr. DuBose) Or does it build on the 10:46:38  
15 work that you've done in the past on the 10:46:40  
16 redistricting cases in some way? If so, if that's 10:46:46  
17 your sentiment, if that's what you believe, 10:46:48  
18 explain -- 10:46:50

19 A. I would say that to the extent that Dr. -- 10:46:50  
20 I would say to the extent that Dr. Mayer's work in 10:46:53  
21 redistricting cases is relevant to his work here, 10:46:54  
22 mine is. To the extent it isn't, mine isn't. 10:46:59

23 Q. Dr. Mayer? 10:47:03

24 A. Yes. 10:47:05

25 Q. Can you explain that? 10:47:05

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1 A. He's done work in redistricting cases too. 10:47:07  
2 If his work in redistricting cases is utterly 10:47:11  
3 irrelevant to his work in this case, then, I suppose 10:47:16  
4 mine is too. I don't know if that's true. I think 10:47:18  
5 there are general approaches, statistical approaches, 10:47:21  
6 that get brought in. I think there are -- I think 10:47:26  
7 you look at things under the general umbrella of 10:47:30  
8 American politics which is the actual kind of 10:47:34  
9 political science subcategory, and even elections, 10:47:36  
10 and it's a relevant consideration. But at the end of 10:47:42  
11 the day, this is a legal question. So I don't know 10:47:47  
12 exactly how I can answer it. 10:47:51

13 Q. What's a legal question? 10:47:54

14 A. The question of relevance. 10:47:56

15 Q. Well, I'm not using relevance, and if I 10:48:02  
16 did, I didn't intend to use relevance in my question. 10:48:06  
17 I wanted to ask you about your work in redistricting; 10:48:10  
18 how does that relate to or translate to what you're 10:48:14  
19 doing in this case. 10:48:19

20 So I'm not asking for a legal opinion. 10:48:20  
21 I'm not asking for that. If I did, Bryan certainly 10:48:23  
22 would have objected. So I'm not asking for a legal 10:48:27  
23 opinion. I'm just asking you to explain how your 10:48:30  
24 past experience in redistricting cases translates to 10:48:34  
25 what you're doing in this case. 10:48:38

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1 A. Mr. Tyson did object, but I think I've 10:48:40  
2 answered your question. There's a broader approach 10:48:46  
3 to statistics that if we're going to avoid the word 10:48:49  
4 relevant, we will say relates to all of American 10:48:57  
5 politics and then the subspecialty of elections which 10:49:01  
6 is what it falls under. And I think to the extent 10:49:05  
7 that Dr. Mayer's work in redistricting cases is 10:49:10  
8 relevant here, mine probably is too. 10:49:14

9 Q. Now, refresh my recollection on the Rucho 10:49:25  
10 case. You said you do not recall testifying in 10:49:29  
11 trial? 10:49:33

12 A. The Dixon -- 10:49:33

13 Q. Common Cause. Common Cause, I'm sorry, 10:49:34  
14 versus Rucho. 10:49:37

15 A. Common Cause versus Rucho, that's the -- 10:49:38  
16 that's the gerrymandering case? 10:49:43

17 Q. Okay. 10:49:46

18 A. I'm asking you. There's a lot of cases -- 10:49:47

19 Q. It should have been running in or about 10:49:50  
20 October of 2017. 10:49:54

21 A. I did testify at trial in that case. 10:49:55

22 Q. Three-judge panel; is that what you 10:50:00  
23 recall? 10:50:02

24 A. Yes. 10:50:02

25 Q. So before your testimony in that case, you 10:50:03



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1 had finished your master's in applied statistics, 10:50:07  
2 right? 10:50:11

3 A. No. 10:50:11

4 Q. No? 10:50:11

5 A. No. I wasn't in the program yet. 10:50:12

6 Q. When you say "the program," the applied 10:50:15  
7 statistics program? 10:50:18

8 A. If I recall correctly, and I may not, but 10:50:19  
9 if I recall correctly, at that point I had done some 10:50:23  
10 of the course work and was hoping to get into the 10:50:26  
11 program but was not yet in the program. 10:50:29

12 Q. You mentioned Dr. Mayer a few minutes ago. 10:50:38  
13 Have you reviewed the report that he generated in 10:50:44  
14 this case? 10:50:48

15 A. I think I read it once. 10:50:49

16 Q. Outside of the report that you read, were 10:51:03  
17 you familiar with Dr. Mayer and his background 10:51:09  
18 generally? 10:51:12

19 A. I know he's a political scientist at 10:51:12  
20 Wisconsin. I think he teaches election classes. I 10:51:16  
21 read his paper on early voting with Burden and Canon. 10:51:20  
22 Most of my interaction has been in the Wisconsin 10:51:29  
23 redistricting case though. 10:51:32

24 Q. So in Common Cause versus Rucho, you were 10:51:38  
25 proffered as an expert in U.S. elections including 10:51:42

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1 congressional elections, analysis of electoral 10:51:49  
2 history, and redistricting. Does that sound about 10:51:49  
3 right? 10:51:52

4 A. You know, that was three years ago. So, 10:51:53  
5 again, it's one of those, I'll accept your 10:51:56  
6 stipulation. I'm assuming you've read the 10:51:58  
7 transcripts recently. 10:52:01

8 Q. And that was a redistricting case, right? 10:52:02

9 A. That was a political gerrymandering case, 10:52:06  
10 yep. 10:52:10

11 Q. Let me ask you about your work in NAACP 10:52:13  
12 versus McCrory. Do you remember that case? 10:52:19

13 A. Yes. 10:52:21

14 Q. Do you recall offering the opinion that 10:52:22  
15 voting reforms contained in HB589 placed the state 10:52:23  
16 within the mainstream of American voting laws; do you 10:52:29  
17 recall that? 10:52:32

18 A. Yes. 10:52:32

19 Q. Would you consider what you offered as 10:52:32  
20 that opinion to be a legal opinion? 10:52:35

21 A. I haven't given much thought to that. 10:52:40

22 MR. TYSON: Object to form. 10:52:41

23 Q. (By Mr. DuBose) Want to take a second and 10:52:45  
24 think about it? 10:52:47

25 A. No. I don't even know how to answer that 10:52:47

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1 question. I mean, it's expert opinion. 10:52:50

2 Q. Not a legal opinion? 10:52:54

3 A. It involved analysis of statutes, so it 10:52:57  
4 was an opinion about law, but I don't know if it's a 10:53:02  
5 legal opinion. I mean, I think a legal opinion is an 10:53:05  
6 opinion about law in the same way that a red herring 10:53:10  
7 is a scarlet fish. So... 10:53:13

8 Q. Did the opposing attorneys attempt to 10:53:16  
9 exclude or limit your expert report or opinion in 10:53:26  
10 that case? 10:53:29

11 A. Yes. 10:53:30

12 Q. What was the result of that challenge? 10:53:31

13 A. I don't think it was granted to any 10:53:34  
14 extent, and it was denied with respect to opinion 1, 10:53:42  
15 is my recollection, but that was, again, four years 10:53:47  
16 ago -- or six years ago now. 10:53:49

17 Q. Was it granted as to any other opinion? 10:53:52

18 A. I don't believe it was. 10:53:58

19 Q. When you practiced law did you ever handle 10:54:02  
20 a case that involved either voting rights or 10:54:07  
21 redistricting? 10:54:12

22 A. No. 10:54:12

23 Q. So your opinion in the NAACP versus 10:54:13  
24 McCrory wasn't based on any legal experience that 10:54:24  
25 you've had, right? 10:54:28

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1 A. Oh, I won't agree with that. I mean, my 10:54:29  
2 legal experience is how I learned to read and 10:54:33  
3 interpret a statute, but I've never handled a voting 10:54:35  
4 rights case. 10:54:39

5 Q. And to be clear, then, you concede then 10:54:40  
6 that the opinion you provided in the NAACP versus 10:54:44  
7 McCrory involved you reading and interpreting 10:54:50  
8 statutes? 10:54:52

9 A. Yes. 10:54:53

10 Q. In NAACP versus McCrory did the Court 10:55:17  
11 prevent you from testifying about your opinion as to 10:55:23  
12 North Carolina law being consistent with other laws? 10:55:27

13 A. I don't remember the Court preventing me 10:55:30  
14 from testifying on anything, but I'm assuming you've 10:55:33  
15 read the transcripts more recently than I have. 10:55:35

16 Q. Notwithstanding you providing 10:55:41  
17 interpretations of law in NAACP versus McCrory, you 10:55:52  
18 do understand that interpretation of law is typically 10:55:58  
19 the province of the judge and Court, right? 10:56:00

20 MR. TYSON: I'll object to form. 10:56:04

21 THE WITNESS: Legal conclusions are 10:56:08  
22 typically the province of the Court I'm sure. 10:56:10

23 Q. (By Mr. DuBose) So in this case do you 10:56:17  
24 intend to tell Judge Jones what the law is and how 10:56:18  
25 that should govern his decisions? 10:56:22

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1 MR. TYSON: I'll object to form. 10:56:26

2 THE WITNESS: Yeah, I don't know what 10:56:27

3 Mr. Tyson's legal strategy is or what he would 10:56:30

4 plan for me at trial if I were to testify, but I 10:56:34

5 don't think anything to that effect is in my 10:56:37

6 report. 10:56:39

7 Q. (By Mr. DuBose) Did anyone assist you in 10:56:44

8 drafting the report in this case? 10:56:48

9 A. No. 10:56:49

10 Q. Your report. 10:56:50

11 A. No. No one assisted me. 10:56:53

12 Q. Did you generate any drafts or versions 10:56:55

13 prior to the final version? 10:56:59

14 A. I actually can't remember if there were 10:57:07

15 any edits on this one. 10:57:17

16 Q. Did you draft it on your personal 10:57:19

17 computer? 10:57:22

18 A. Yes. 10:57:22

19 Q. Do you recall sharing any drafts with 10:57:24

20 anyone? 10:57:30

21 A. If there was a draft, it would have gone 10:57:31

22 to Mr. Tyson and no one else. 10:57:39

23 Q. Do you recall receiving edits on that 10:57:41

24 draft? 10:57:44

25 A. Like I said, I can't remember if there 10:57:44

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1 were edits on this draft, on any draft or not, or if 10:57:47  
2 we just went ahead and submitted it. 10:57:51

3 Q. Does this opinion that you provided in 10:57:54  
4 this case contain all of your opinions as to any 10:57:56  
5 matter related to this lawsuit? 10:58:00

6 A. Like formal opinions? 10:58:06

7 Q. Formal and informal. 10:58:09

8 A. I mean, I don't think you can go through a 10:58:10  
9 case without developing informal opinions, but as to 10:58:22  
10 anything I would testify to at trial, I imagine it's 10:58:28  
11 contained in here. 10:58:31

12 Q. That's what I want to know. 10:58:32

13 A. Yeah, any -- like I said, I can't pin 10:58:35  
14 Mr. Tyson down, and I have no idea what his legal 10:58:39  
15 strategy is or what my -- what any direct at trial 10:58:43  
16 would look like, but certainly when I write an expert 10:58:47  
17 report, the idea is to get anything that I would 10:58:51  
18 testify to out on paper. 10:58:53

19 Q. And your report contains the substance of 10:58:56  
20 the facts you relied on to form your opinions; is 10:59:01  
21 that correct? 10:59:04

22 A. I think I took the facts from Dr. Graves' 10:59:04  
23 report. 10:59:10

24 Q. All right. 10:59:14

25 A. He helpfully in Appendix II provided the 10:59:15

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1 dataset.

2 Q. Does your opinion rely on any documents or  
3 facts that are not cited in the report?

4 A. I always hate that question because, of  
5 course, especially with respect to statistical  
6 things, there's things you learn along the way that  
7 you wouldn't include in a report, but as far as facts  
8 on the ground as far as specific citations, I believe  
9 they are all in the report.

10 Q. Were you asked to provide any opinion that  
11 is not reflected in your report?

12 MR. TYSON: And I'll object on, just  
13 briefly, Mr. Trende did provide some  
14 nontestifying expert services for us at one  
15 point, so if we could caveat it to the issues on  
16 which his report's there, I think that would be  
17 some -- obviously, that wouldn't be disclosable.

18 MR. DUBOSE: In this case?

19 MR. TYSON: In this case, yes. He was a  
20 consulting expert prior to being retained as a  
21 trial expert, and so I want to make sure we're  
22 limiting it to the retention on these particular  
23 issues.

24 MR. DUBOSE: Was he disclosed in both  
25 capacities as a consulting and testifying

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1 expert? 11:00:53

2 MR. TYSON: Well, no, we're not going to 11:00:53  
3 disclose consulting expert -- we disclosed him 11:00:55  
4 as a testifying expert at the time we disclosed 11:00:55  
5 him, whenever that was in the docket. 11:00:57

6 MR. DUBOSE: Okay. And are those -- were 11:01:00  
7 those pursuant to separate engagement letters 11:01:05  
8 or... 11:01:08

9 MR. TYSON: I don't recall. I can look, 11:01:09  
10 but it was a period of time where he was 11:01:10  
11 retained prior to being disclosed on the docket 11:01:13  
12 and provided some nontestifying services for us. 11:01:15  
13 I just want to make sure we're limiting to the 11:01:18  
14 time he was disclosed going forward. 11:01:21

15 MR. DUBOSE: Yeah, we don't have to go too 11:01:23  
16 far out. Don't worry about it. 11:01:25

17 Q. (By Mr. DuBose) So as it relates to your 11:01:28  
18 services for things that you may testify about in 11:01:29  
19 this case, were you asked to provide any opinion that 11:01:33  
20 is not reflected in your report? 11:01:38

21 MR. DUBOSE: How is that, Bryan? 11:01:40

22 MR. TYSON: That works for me. 11:01:42

23 THE WITNESS: I don't believe so. 11:01:44

24 Q. (By Mr. DuBose) Again, as to your duties 11:01:47  
25 as a testifying expert, were you asked to provide any 11:01:50



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1 opinion that you declined to provide? 11:01:54

2 A. So this isn't me -- this is me protecting 11:02:01  
3 myself and not me playing hide the ball. I don't 11:02:14  
4 remember any -- we can call it maybe a big picture. 11:02:19  
5 Like in the past I've refused to do photographic 11:02:22  
6 identification cases. Like I would consider that a 11:02:26  
7 big picture opinion that I would decline. 11:02:28

8 I don't remember anything like that. 11:02:30

9 There may have been smaller issues where I said no, 11:02:32  
10 like the data don't support that or whatever, but I 11:02:35  
11 can't think of anything to that nature. 11:02:40

12 Q. You said there may have been smaller 11:02:42  
13 issues in this case? 11:02:45

14 A. You always have conversations with people 11:02:46  
15 who don't have statistical backgrounds, and they 11:02:49  
16 might ask you about something, and you say no. Like 11:02:52  
17 I said, I'm honestly not playing hide the ball here. 11:02:59  
18 I can't think of anything of that nature in this 11:03:03  
19 case, but I also wouldn't remember it. I would 11:03:05  
20 remember something on the order of I don't like to 11:03:08  
21 testify in photo I.D. cases. 11:03:10

22 Q. Were you asked to take any opinions out of 11:03:13  
23 this report before finalizing it? 11:03:18

24 A. I don't think so. 11:03:20

25 Q. Were you asked not to opine on any subject 11:03:23

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1 matter related to this litigation? 11:03:26

2 A. Can you repeat that? 11:03:28

3 Q. Sure. Were you asked not to opine on any 11:03:31

4 subject matter related to this litigation? 11:03:33

5 A. No. 11:03:38

6 Q. Were you asked to change any opinion in 11:03:39

7 any way that you declined to do? 11:03:41

8 A. It's kind of the same answer. There might 11:03:43

9 have been little things where I said no, we can't 11:03:50

10 word it that way. I don't remember anything like 11:03:55

11 that and certainly not a major headline opinion. 11:03:59

12 Q. Let's talk about RealClearPolitics.com. 11:04:03

13 You've been employed by RealClearPolitics since 2009? 11:04:09

14 A. That's right. 11:04:15

15 Q. And you're still currently employed by 11:04:15

16 them? 11:04:17

17 A. That's right. 11:04:18

18 Q. And are they an exclusively online 11:04:18

19 publication? 11:04:24

20 A. Yeah, I think that's fair. 11:04:24

21 Q. And it's a Web site that gathers together 11:04:36

22 and publishes political stories and content; is that 11:04:38

23 correct? 11:04:43

24 A. The company does produce a Web site, yes. 11:04:43

25 Q. Sometimes described as a one-stop shop for 11:04:51

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1 political readers? 11:04:55

2 A. I think that tag line has been used, yeah. 11:04:58

3 Q. And you publish content on the site? 11:05:01

4 A. Yes. 11:05:09

5 Q. How would you characterize the content 11:05:09

6 that you publish on the site? 11:05:13

7 A. It is generally political analysis, 11:05:15

8 specifically related to elections usually. 11:05:19

9 Q. And are you still a senior elections 11:05:24

10 analyst with RealClearPolitics? 11:05:29

11 A. Yes. 11:05:32

12 Q. As a senior elections analyst, you rate 11:05:33

13 the competitiveness of various races around the 11:05:36

14 country; is that correct? 11:05:39

15 A. Yes. 11:05:41

16 Q. Look at various polls in doing that? 11:05:41

17 A. Yes. 11:05:44

18 Q. Do you evaluate those polls statistically? 11:05:44

19 A. Yes. 11:05:49

20 Q. Do you conduct Meta-Analysis of those 11:05:51

21 polls? 11:05:55

22 A. Meta-Analysis is one of those terms of 11:05:56

23 art, and it's an area of statistics that I actually 11:06:05

24 don't know a whole lot about. We average polls, 11:06:09

25 which I suppose you could consider a Meta-Analysis. 11:06:12

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1 But, like I said, again, I'm not trying to hide the 11:06:15  
2 ball. It's just you're getting into a term of art 11:06:19  
3 that I don't know about. 11:06:23

4 Q. Does anyone at RealClearPolitics perform 11:06:27  
5 that analysis? 11:06:33

6 A. Again, if you consider a poll average a 11:06:35  
7 Meta-Analysis then yes, but if not, then no. 11:06:37

8 Q. Is your work with RealClearPolitics 11:06:44  
9 primarily an analysis of races for federal offices, 11:06:47  
10 or do you analyze any state races too? 11:06:50

11 A. Primarily federal offices. 11:06:54

12 Q. Are there some state races peppered in 11:06:58  
13 there as well? 11:07:05

14 A. Yes. 11:07:06

15 Q. If you had to put a percentage on it, what 11:07:09  
16 percentage would you say is federal, and what 11:07:13  
17 percentage would you say is state? 11:07:15

18 A. Maybe 70 percent federal, 75 percent 11:07:22  
19 federal. 11:07:26

20 Q. Did you conduct any published analysis of 11:07:26  
21 the 2018 gubernatorial race in Georgia? 11:07:33

22 A. I don't remember. 11:07:37

23 Q. Have you ever done any consulting for 11:07:44  
24 campaigns? 11:07:47

25 A. No. 11:07:50

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1 Q. Have you ever been asked to do any 11:07:52  
2 consulting for campaigns? 11:07:55

3 A. I don't think so. A pollster asked me to 11:07:57  
4 do a workup of a Senate race in a state -- I can't 11:08:11  
5 remember which state -- I think it was in 2014, and I 11:08:16  
6 declined. 11:08:19

7 Q. Why did you decline? 11:08:24

8 A. Because if we're going to cover elections, 11:08:27  
9 it would be a conflict to be actively consulting for 11:08:33  
10 a specific campaign. And, above that, they offered 11:08:40  
11 me \$500 which didn't seem worth it. 11:08:44

12 Q. Okay. And, I'm sorry, I can't remember 11:08:48  
13 what you answered to this question about whether you 11:08:58  
14 published analysis of the 2018 gubernatorial race in 11:09:04  
15 Georgia. 11:09:08

16 A. I don't remember it, but I can't remember 11:09:09  
17 half of what I wrote for 2018; probably more than 11:09:11  
18 half. 11:09:15

19 Q. Did you conduct any unpublished analysis 11:09:16  
20 of the 2018 gubernatorial race in Georgia? 11:09:24

21 A. Not that I can think of. I mean, 11:09:30  
22 actually, if we're talking -- when you say 11:09:45  
23 unpublished, I'm assuming run like a thoroughly, like 11:09:48  
24 an article-length summary. You know, we were rating 11:09:54  
25 the competitiveness of the gubernatorial races. So I 11:09:58

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1 certainly would have looked at the governor's race in 11:10:02  
2 2018 through that lens, but I don't think there were 11:10:05  
3 any article and write-ups. 11:10:11

4 Q. Yeah. I'm asking as to any content 11:10:15  
5 whatsoever where you -- 11:10:16

6 A. Not -- 11:10:17

7 Q. What's that? 11:10:18

8 A. Yeah, so if it's any content whatsoever, 11:10:19  
9 you know, we rated the competitiveness of the 2018 11:10:22  
10 Georgia gubernatorial race, and I would have been 11:10:25  
11 involved in that. So to that effect, yeah, I did 11:10:29  
12 analyze the Georgia governor's race. 11:10:36

13 Q. When you say you rated the 11:10:39  
14 competitiveness, can you describe what the content of 11:10:40  
15 that rating would consist of? 11:10:43

16 A. So for statewide races we usually have 11:10:45  
17 robust polling, and we mostly rely on our poll 11:10:49  
18 averages for those. But for races that are kind of 11:10:54  
19 at the periphery, you know, our cutoff for a toss-up 11:10:58  
20 is usually about 5 points. So if there's a race 11:11:03  
21 that's 4.9, we would dive in a little deeper than 11:11:07  
22 that. 11:11:12

23 And, of course, we're always having 11:11:12  
24 conversations about these races, the competitive 11:11:15  
25 races and what we think it's going to turn out but 11:11:17

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1 nothing that would have been committed to writing. 11:11:20

2 Q. Would there have been any characterization 11:11:23  
3 by you anywhere on the candidates for the Georgia 11:11:31  
4 2018 gubernatorial race? 11:11:38

5 A. Beyond the race ratings? I don't think 11:11:42  
6 so. I think there's a time series of how races were 11:11:47  
7 rated somewhere on the Web site, but I don't know. I 11:11:51  
8 may be involved in the race ratings. I am in no way 11:11:57  
9 involved in the archiving of our site's data, and the 11:12:01  
10 archiving is a mess. 11:12:06

11 Q. The content you create and publish on 11:12:08  
12 RealClearPolitics is not peer reviewed, is it? 11:12:15

13 A. That's correct. 11:12:18

14 Q. Is it reviewed by an editor or copy editor 11:12:18  
15 before it's published? 11:12:23

16 A. Both. 11:12:24

17 Q. The founder and CEO of RealClearPolitics 11:12:25  
18 is John McIntyre? 11:12:41

19 A. He's the cofounder, yeah. 11:12:43

20 Q. Cofounder. Do you have a close 11:12:45  
21 relationship with him, Mr. McIntyre? 11:12:49

22 A. Yes. 11:12:51

23 Q. You've been described as Mr. McIntyre's 11:12:52  
24 right-hand man on occasion? 11:12:55

25 A. Yes. 11:12:57

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1 Q. And do you still enjoy a close 11:12:57  
2 relationship with Mr. McIntyre today? 11:13:00

3 A. Fairly close, yes. 11:13:02

4 Q. In Paragraph 11 of your report, it details 11:13:04  
5 how RealClearPolitics is, quote, cited by the most 11:13:09  
6 influential voices in politics, and it lists the New 11:13:13  
7 York Times, Fox News, the Almanac of American 11:13:16  
8 Politics, and the Wall Street Journal; is that right? 11:13:22

9 A. Just a second. Let me pull up my report. 11:13:25

10 MR. TYSON: Do we want to go ahead and 11:13:33  
11 mark the report as an exhibit? 11:13:36

12 MR. DUBOSE: Sure, let's go ahead. So 11:13:39  
13 I'll mark at this time the expert report of Sean 11:13:41  
14 P. Trende. 11:13:45

15 (Plaintiffs' Exhibit 2 was marked for 11:13:45  
16 identification.) 11:13:47

17 THE WITNESS: Oh, yeah, that's in 11:13:47  
18 Paragraph 11. 11:13:49

19 Q. (By Mr. DuBose) So as your expert report 11:13:50  
20 lays out, the RealClearPolitics Website is cited by 11:13:56  
21 news outlets from all sides of the political 11:14:04  
22 spectrum, both conservative and liberal; is that kind 11:14:06  
23 of what you're saying there? 11:14:08

24 A. Yes. 11:14:14

25 Q. You also note in Paragraph 20 that you've 11:14:15



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1 appeared on Fox News and MSNBC? 11:14:19

2 A. Yes. 11:14:22

3 Q. Isn't it true, Mr. Trende, that 11:14:23

4 RealClearPolitics has secretly run a Facebook page 11:14:27

5 called Conservative Country in the past? 11:14:32

6 A. No, that's not true. 11:14:35

7 Q. That's not true? 11:14:36

8 A. To my understanding, at least, that is not 11:14:37

9 true. 11:14:39

10 Q. And what do you base that understanding 11:14:40

11 on? 11:14:41

12 A. Conversations with Mr. McIntyre. 11:14:42

13 Q. And at some point were the denials of 11:14:45

14 being involved with Conservative Country published in 11:14:51

15 any way? 11:14:57

16 A. No. Not to my knowledge. 11:14:57

17 Q. So those were just private denials between 11:14:59

18 you and Mr. McIntyre as to RealClearPolitics' 11:15:03

19 involvement with the Facebook page Conservative 11:15:07

20 Country, right? 11:15:11

21 A. Yes. 11:15:11

22 Q. You do know what the Facebook page 11:15:12

23 Conservative Country is, right? 11:15:18

24 A. I've heard of it now. 11:15:18

25 Q. But you've heard of it before today as 11:15:20

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1 well, correct? 11:15:22

2 A. I heard of it for the first time the day 11:15:23

3 that Daily Beast story dropped. 11:15:25

4 Q. So you're familiar with the story that 11:15:28

5 kind of characterizes the content of the Facebook 11:15:30

6 page Conservative Country where it contains far right 11:15:33

7 memes and Islamophobic smears? 11:15:39

8 MR. TYSON: Object. 11:15:45

9 Q. (By Mr. DuBose) You're aware of that? 11:15:46

10 MR. TYSON: Object to form. 11:15:48

11 THE WITNESS: I read the Daily Beast 11:15:49

12 story, yeah. 11:15:51

13 Q. (By Mr. DuBose) Correct. And that story 11:15:51

14 talks about, for instance, on September 26th -- I'm 11:15:53

15 sorry, September 16th, and it's unclear what year, 11:15:55

16 but that page posted a picture of someone holding two 11:15:57

17 automatic weapons pointing at a closed door with the 11:16:02

18 caption reading: Just Sitting Here Waiting on Beto; 11:16:06

19 have you heard of that meeting? 11:16:11

20 A. Yes. 11:16:12

21 Q. And you understand that to be a reference 11:16:13

22 to former Democratic presidential candidate Beto 11:16:16

23 O'Rourke? 11:16:16

24 A. Yes. 11:16:24

25 MR. TYSON: And I'll object based on 11:16:24

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1 relevance. I'm not really sure where we're  
2 going. He said he doesn't have any involvement  
3 in the page and doesn't have any responsibility  
4 for it. I mean, we're asking if he's seen  
5 things. I just don't understand where that  
6 fits.

7 MR. DUBOSE: Well, obviously his company  
8 does.

9 MR. TYSON: He said his company has not --

10 MR. DUBOSE: His company does and in his  
11 expert report he goes to great lengths too to  
12 lay out that he is involved on both sides of the  
13 political spectrum. But what's very clear from  
14 his Facebook page is that his company is  
15 involved in a far right, you know, outfit, and  
16 some of the content there is -- I think cuts  
17 directly against what's being laid out in his  
18 expert report.

19 So if it's all right with you, I'll go  
20 ahead and explore a little bit more, and then  
21 we'll move on, but I want to make sure that we  
22 touch this to the extent the expert report seems  
23 to paint a different picture.

24 MR. TYSON: That's fine. Just so the  
25 record is clear, I believe he testified his

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1 company -- 11:17:23

2 MR. DUBOSE: You can make your record. 11:17:23

3 MR. TYSON: I'm sorry? 11:17:23

4 MR. DUBOSE: You can make your record. Go 11:17:25

5 ahead, Bryan. 11:17:25

6 MR. TYSON: Yeah, I just wanted to make 11:17:28

7 the record clear that I believe he testified his 11:17:29

8 company is not involved in that Facebook page 11:17:31

9 unless I misheard that. 11:17:34

10 MR. DUBOSE: Yeah, he testified to that, 11:17:36

11 but he also testified that there has been no 11:17:43

12 public denial of involvement. 11:17:47

13 Q. (By Mr. DuBose) So that Website, 11:17:48

14 Conservative Country, on Facebook, the Facebook page, 11:17:53

15 also posted a meme stating that Pete Buttigieg and 11:17:55

16 Bernie Sanders should team up on the same ticket and 11:17:59

17 call it, quote, Butt-Bern 2020. Have you seen that 11:18:02

18 meme? 11:18:08

19 A. No. 11:18:08

20 Q. But you would, nevertheless, agree that 11:18:08

21 that is a homophobic post directed at Mr. Buttigieg; 11:18:11

22 would you agree with that? 11:18:17

23 MR. TYSON: I'll object to form. 11:18:18

24 THE WITNESS: It certainly would seem that 11:18:20

25 way. 11:18:22

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1 Q. (By Mr. DuBose) Are you aware of the meme 11:18:22  
2 that the Facebook page Conservative Country posted 11:18:23  
3 with a picture of Hillary Clinton in a jail where the 11:18:27  
4 caption read, quote: "Listen, Obama, you better 11:18:30  
5 pardon me. I'll expose your ties to Islam if you 11:18:34  
6 don't"? That seems to be pretty partisan, right? 11:18:38

7 MR. TYSON: I'll object to form. 11:18:44

8 THE WITNESS: That's certainly nasty. 11:18:45

9 Q. (By Mr. DuBose) That's kind of the nasty 11:18:47  
10 politics that you testified about earlier, right? 11:18:49

11 A. Oh, I think that goes beyond what I was 11:18:52  
12 talking about earlier. 11:18:58

13 Q. Agreed. Are you aware of the post on 11:19:00  
14 Conservative Country, and this is the last one, in 11:19:07  
15 September of 2015 that showed a Muslim man kneeling 11:19:08  
16 on a prayer mat, and the caption read, quote: "Here 11:19:12  
17 is my new invention. I call it the Mohammed 3000, a 11:19:15  
18 land mine that looks like a prayer mat." 11:19:20

19 And then it goes on to say: "Prophets" -- 11:19:23  
20 spelled with a P-H -- "are going through the roof." 11:19:26

21 A. Yes. 11:19:32

22 Q. You're aware of that meme? 11:19:33

23 A. I read it in the Daily Beast article. 11:19:35

24 Q. And you would agree that is a horribly 11:19:38  
25 offensive post, right? 11:19:40

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1 A. Oh, yes. 11:19:42

2 Q. Let's talk about your opinion as it 11:19:46  
3 relates to Dr. Graves' work in this case. Is the 11:19:49  
4 primary thrust of your opinion that it is not 11:20:04  
5 possible to argue that the relationship between race 11:20:07  
6 and wait times is statistically significant; would 11:20:10  
7 that be correct? 11:20:14

8 MR. TYSON: I'll object to form. 11:20:16

9 THE WITNESS: I think I would say no, that 11:20:18  
10 the opinion is that the data don't suggest an 11:20:29  
11 association between race and wait times. 11:20:32

12 Q. (By Mr. DuBose) And you reached that 11:20:34  
13 conclusion based on your statistical analysis of the 11:20:38  
14 data that was provided in Dr. Graves' report, right? 11:20:41

15 A. Correct. 11:20:45

16 MR. DUBOSE: I want to tender the response 11:20:55  
17 of plaintiffs' expert Stephen C. Graves to the 11:20:58  
18 expert report of Defendants' expert Sean P. 11:21:02  
19 Trende. 11:21:08

20 (Plaintiffs' Exhibit 3 was marked for 11:21:08  
21 identification.) 11:21:21

22 THE WITNESS: Von, since we don't have a 11:21:21  
23 question -- and I'm sorry for using your first 11:21:26  
24 name. I've completely forgotten your last name. 11:21:26

25 MR. DUBOSE: You can call me Von. It's 11:21:28

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1 not a problem. 11:21:31

2 THE WITNESS: Well, I, you know... 11:21:32

3 MR. DUBOSE: We're fine. Go ahead. 11:21:33

4 THE WITNESS: If we're not going to go --I 11:21:35

5 know we're getting to the response. I don't 11:21:36

6 know how much longer you have planned with this, 11:21:37

7 but I could use a restroom break if we're going 11:21:40

8 to be going for a long time. 11:21:43

9 MR. DUBOSE: Sure. I mean, yeah, if you 11:21:46

10 want to take a restroom break. Yeah, it's going 11:21:47

11 to take a little time. I'm sure we'll probably 11:21:50

12 have some back and forth, so sure. 11:21:53

13 THE WITNESS: Can we go off the record for 11:21:55

14 ten minutes? 11:21:57

15 MR. DUBOSE: Fine with me. 11:22:01

16 THE WITNESS: Thank you. 11:22:03

17 (Recess from 11:22 a.m. to 11:31 a.m.) 11:22:09

18 Q. (By Mr. DuBose) So we ended kind of 11:33:14

19 talking about the Conservative Country Facebook page. 11:33:26

20 Mr. Trende, have you ever published anything on that 11:33:30

21 Facebook page? 11:33:33

22 A. No. 11:33:34

23 Q. Are you currently a Gerald Ford scholar at 11:33:35

24 the American Enterprise Institute? 11:33:46

25 A. Yes. 11:33:47

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1 Q. And how long have you been in that 11:33:49  
2 capacity as a scholar? 11:33:57

3 A. I believe it was early 2018. 11:34:06

4 Q. Is that something you have to apply for? 11:34:09

5 A. No. 11:34:11

6 Q. How does the selection process go? 11:34:13

7 A. I was asked by Ryan Streeter if I would be 11:34:16  
8 interested in being a visiting scholar at the 11:34:24  
9 American Enterprise Institute, and I said yes. 11:34:28

10 Q. Who is Ryan Streeter? 11:34:30

11 A. He is an administrator at the American 11:34:33  
12 Enterprise Institute. 11:34:36

13 Q. And what's the general purpose of the 11:34:37  
14 American Enterprise Institute? 11:34:39

15 A. They are a think tank. I'm sure they have 11:34:41  
16 a mission statement online that I'm sure you'd 11:34:52  
17 appreciate I would not want to misstate in the 11:34:57  
18 deposition. 11:34:59

19 Q. Sure. Would you say they trend 11:34:59  
20 conservative or liberal? 11:35:04

21 A. So we're kind of in this new ideological 11:35:09  
22 ecosystem that's hard -- you know, five years ago I 11:35:14  
23 would have answered without skipping a beat that they 11:35:17  
24 were conservative. Today I would say they are kind 11:35:20  
25 of in the nonTrump conservative ecosphere, although, 11:35:23



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1 they do have liberal scholars on staff. 11:35:30

2 Q. In your capacity as a Gerald Ford scholar, 11:35:36  
3 what do you do? 11:35:40

4 A. I analyze elections. 11:35:43

5 Q. And in any way does your role with the 11:35:44  
6 American Enterprise Institute relate to what you do 11:35:48  
7 at RealClearPolitics? 11:35:54

8 A. I mean, I don't think I would have been -- 11:35:56  
9 I don't think I would have been approached but for 11:36:02  
10 the profile I've raised with my work, you know, RCP 11:36:05  
11 and otherwise, but I don't run anything that I write 11:36:11  
12 or do for them past the RealClearPolitics people. 11:36:15

13 It provides an outlet for longer think 11:36:21  
14 pieces. We wouldn't publish 5,000-word reports or 11:36:25  
15 8,000-word reports at RealClearPolitics. So I guess 11:36:30  
16 there's a relationship that way. 11:36:33

17 Q. Let's get back to the rebuttal report that 11:36:39  
18 Dr. Graves generated after reviewing your expert 11:36:47  
19 report. Have you reviewed that rebuttal report? 11:36:50

20 A. Yes. 11:36:56

21 Q. Have you had a chance to review 11:36:56  
22 Dr. Graves' deposition transcript in this case? 11:37:07

23 A. No. 11:37:08

24 Q. You understand that Dr. Graves in 11:37:09  
25 generating his expert opinion in this case was 11:37:21

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1 analyzing a study that had already been published; is 11:37:24  
2 that right? 11:37:28

3 A. That's my understanding. 11:37:28

4 Q. And you understand that study to be the 11:37:29  
5 BPC/MIT report; is that correct? 11:37:33

6 A. Yeah. 11:37:35

7 Q. And you understand that Dr. Graves, in 11:37:37  
8 generating his expert report, was essentially 11:37:40  
9 replicating the results of that report, correct? 11:37:43

10 A. I'm not sure exactly what Dr. Graves was 11:37:46  
11 trying to do. It struck me as a kind of weird expert 11:37:49  
12 report. So if you say that's what he was trying to 11:37:55  
13 do, I don't have any reason to doubt you. 11:38:00

14 Q. Do you have any quarrel with the results 11:38:07  
15 of the BPC/MIT report? 11:38:12

16 A. I don't have an opinion one way or the 11:38:16  
17 other on it. 11:38:19

18 Q. Okay. You understand that Dr. Graves 11:38:19  
19 disagrees with your analysis regarding whether there 11:38:24  
20 is a positive relationship between wait time and the 11:38:27  
21 percentage of African-American voters at a polling 11:38:32  
22 station; do you understand that? 11:38:37

23 A. I don't know if he ever comes out in his 11:38:38  
24 report and says -- makes the claim that there is a 11:38:41  
25 positive relationship in Georgia, but... 11:38:46

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1 Q. My question was as to your understanding 11:38:52  
2 that Dr. Graves disagrees with the way you structured 11:38:56  
3 your analysis on the question of whether there's a 11:38:59  
4 positive relationship between wait time and the 11:39:03  
5 percentage -- and the percent of African-American 11:39:06  
6 voters at a polling station, polling location. 11:39:10

7 MR. TYSON: I'll object to form. 11:39:13

8 THE WITNESS: Yeah, I think I answered 11:39:14  
9 that. I mean, he raises an objection to an 11:39:15  
10 analysis in conclusion -- 11:39:22

11 Q. (By Mr. DuBose) Correct. 11:39:22

12 A. -- but I don't know if he actually goes 11:39:23  
13 the next step and says this data demonstrates a 11:39:26  
14 relationship, especially since his first argument is 11:39:31  
15 that he wasn't trying, as I understood it, he wasn't 11:39:35  
16 trying to demonstrate such a relationship; he was 11:39:40  
17 just trying to tie this in somehow to the BPC report. 11:39:42

18 Q. And you said two things there. What I 11:39:46  
19 want to focus on is the first part of what you just 11:39:49  
20 relayed, which is, his disagreement with your 11:39:53  
21 analysis. Notwithstanding what his ultimate opinion 11:39:55  
22 and/or conclusion was, I want to focus your attention 11:39:59  
23 on his disagreement with the analysis, the method 11:40:02  
24 that you use to address this question. All right? 11:40:06

25 So let's start there as a premise, and I 11:40:12

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1 think we can drill down on this and get some 11:40:16  
2 clarification with my next question. So in 11:40:19  
3 particular, are you aware that the primary issue 11:40:23  
4 Dr. Graves takes with your analysis is that you used 11:40:26  
5 a two-sided test when he believes a one-sided test 11:40:29  
6 should have been used? 11:40:34

7 MR. TYSON: Object to form. 11:40:37

8 THE WITNESS: Yeah, he thinks -- I would 11:40:38  
9 call it a one-tailed and a two-tailed test but 11:40:42  
10 yeah. 11:40:45

11 Q. (By Mr. DuBose) One tail and two tail 11:40:45  
12 but -- so we're talking about the same thing? 11:40:47

13 A. I think so, yeah. 11:40:50

14 Q. So how would you describe the difference 11:40:51  
15 between a one-tailed and two-tailed test in general? 11:40:53

16 A. So the two-tailed test is probably easier 11:40:58  
17 to explain, and from there you can go on to the 11:41:01  
18 one-tailed test. The two-tailed test, you can 11:41:04  
19 think -- and we'll use the t-test since that has an 11:41:09  
20 actual distribution we can talk about. 11:41:15

21 So the two-tailed test, you can imagine a 11:41:18  
22 bell curve which is the T distribution, and the 11:41:23  
23 two-tailed test asks yourself -- asks: Given the 11:41:30  
24 null hypothesis is true, no relationship between 11:41:38  
25 the -- no relationship between -- I'm just going to 11:41:43

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1 shortcut it and say wait times and African-American 11:41:48  
2 share, what's the probability you would see this 11:41:53  
3 result. And it looks at the probability of a test 11:41:57  
4 statistic falling in the tails on either side of the 11:42:01  
5 bell curve. 11:42:06

6 The one-tailed test you can think of it as 11:42:06  
7 ignores the 2.5 percent chance of it ending up in 11:42:09  
8 either -- we'll call it the top or the right side of 11:42:17  
9 the distribution and then takes that 2.5 percent and 11:42:20  
10 expands the left side of the distribution. 11:42:26

11 And you can do that either way. There's a 11:42:27  
12 two-tailed -- there's a one-tailed upper test and a 11:42:30  
13 one-tailed lower test, but in lay terms it involves 11:42:32  
14 taking the 2.5 percent off of one tail and expanding 11:42:35  
15 the size of the other tail by 2.5 percent. 11:42:41

16 Q. So take that concept as you've just 11:42:45  
17 explained it and apply it to the subject matter of 11:42:48  
18 the expert opinions we're dealing with here, both 11:42:51  
19 yours and Mr. Graves'. 11:42:55

20 A. So is it Mr. Graves or Dr. Graves? 11:42:57

21 Q. I'm sorry. Dr. Graves. You're right. 11:43:01

22 A. No, no, no. I just don't want to demote 11:43:03  
23 him. 11:43:06

24 Q. Yeah, that's my fault. 11:43:06

25 A. You can do that. 11:43:08

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1 Q. No, not intended. 11:43:09

2 A. So Dr. Graves, what Dr. Graves explains I 11:43:13

3 think summarizes it fairly that the two-tailed test 11:43:19

4 would ask the probability of African-American wait 11:43:23

5 times being greater than or less than -- I can't 11:43:27

6 remember if it's white or nonHispanic white wait 11:43:32

7 times. 11:43:35

8 The one-tailed test you would look at the 11:43:35

9 probability, depending on which side of the 11:43:37

10 distribution you're looking at, which tail you're 11:43:39

11 looking at, the probability of seeing this sort of 11:43:41

12 data that African-American wait times are greater or 11:43:46

13 African-American wait times are less than. 11:43:51

14 So it's the difference between looking at 11:43:56

15 them both at the same time, you know, whites greater 11:43:58

16 than African-Americans or whites less than 11:44:02

17 African-Americans, versus breaking them up into two 11:44:04

18 separate analyses would be the one-tailed. 11:44:11

19 Q. So -- 11:44:11

20 A. And, just to be clear, I'm shortcutting a 11:44:14

21 lot in kind of a lay explanation. 11:44:18

22 Q. Sure. Yeah, let's continue to just work 11:44:19

23 through this. So what you're saying is Dr. Graves 11:44:21

24 disagrees with the way you establish your analysis to 11:44:24

25 the extent your alternative hypothesis allowed for an 11:44:27

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1 increase or decrease in wait time as the share of 11:44:31  
2 black registered voters increased; is that correct? 11:44:35

3 MR. TYSON: Object to form. 11:44:39

4 THE WITNESS: Yeah, I think that's right. 11:44:40

5 He proposes the one-tailed test statistics, the 11:44:43  
6 null hypothesis being the wait time is greater 11:44:50  
7 than -- or is less than or equal to zero versus 11:44:53  
8 the alternative that it's greater than zero. 11:44:55

9 Q. (By Mr. DuBose) Right. And under 11:45:00  
10 Dr. Graves' analysis, that one-tailed alternative 11:45:01  
11 hypothesis only allowed for a positive relationship 11:45:03  
12 as wait time increased as the share of black 11:45:06  
13 registered voters increased; is that correct? 11:45:09

14 A. It would only find a significant result 11:45:17  
15 as -- if the relationship were positive. 11:45:28

16 Q. Right. So it's a one-tailed test. 11:45:32

17 A. Yeah. 11:45:33

18 Q. Correct. And you also understand that 11:45:34  
19 Dr. Graves formulated his analysis that way based on 11:45:40  
20 anecdotal evidence from past elections that 11:45:45  
21 African-American voters have longer wait times than 11:45:50  
22 other voters; you understand that as well? 11:45:54

23 MR. TYSON: Object to form. 11:45:56

24 THE WITNESS: That's what I read on 11:45:57

25 page 2. 11:46:00

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1 Q. (By Mr. DuBose) Correct. That's where I 11:46:01  
2 am exactly, on page 2. So for your use of the 11:46:02  
3 two-tailed test as it relates to the alternative 11:46:08  
4 hypothesis, what anecdotal evidence did you rely on 11:46:11  
5 to include that second side of your alternative 11:46:17  
6 hypothesis? 11:46:20

7 A. I did the two-tailed test because that's 11:46:23  
8 typically the test that you use. It's the default 11:46:26  
9 that almost every regression analysis and 11:46:28  
10 T-distribution uses. And so, you know, it's kind of 11:46:32  
11 the baseline unless you have good reason to do a 11:46:38  
12 one-tailed test. 11:46:41

13 Q. Right. But here Dr. Graves cites 11:46:43  
14 anecdotal evidence as the rationale for him to do 11:46:47  
15 some one-tailed tests. Do you have any anecdotal 11:46:50  
16 test as to why you -- and I'm not talking about just 11:46:54  
17 what's usually done. Do you have any anecdotal 11:46:57  
18 evidence that drove your decision to perform a 11:47:01  
19 two-tailed test as opposed to one-tailed? 11:47:03

20 A. No. I used the two-tailed test because 11:47:06  
21 that's usually what you use unless you have a very 11:47:09  
22 good reason to do a one-tailed test. 11:47:12

23 Q. Can you explain to me why if -- do you 11:47:14  
24 believe that Dr. Graves' use of the one-tailed test 11:47:18  
25 in this instance is improper? 11:47:21



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1 A. Improper? 11:47:25

2 Q. Yes or -- 11:47:31

3 A. No. I know what improper means. I wasn't 11:47:34  
4 trying to be disagreeable there. 11:47:39

5 Q. Sure. 11:47:42

6 A. Most of these things, when you get down to 11:47:46  
7 study design, involve judgment calls. I don't know 11:47:48  
8 that I would utilize a one-tailed test on the basis 11:47:55  
9 of anecdotal evidence since, to my understanding, the 11:48:01  
10 two-tailed test is generally favored, but at the end 11:48:05  
11 of the day, we're answering -- our one-tailed versus 11:48:08  
12 two-tailed test answers different questions. 11:48:12

13 I'm answering the question of whether the 11:48:15  
14 data support a difference in African-American wait 11:48:17  
15 times. He's answering the question what is the 11:48:21  
16 support for difference if you exclude interest in 11:48:25  
17 whether white wait times are longer. 11:48:30

18 Q. Right. And my question I guess put a 11:48:33  
19 different way then is: Are you aware of any 11:48:35  
20 anecdotal evidence where the wait time increased as 11:48:37  
21 the share of white voters increased? 11:48:45

22 A. I haven't -- no, I'm not. 11:48:50

23 Q. And can you explain to me why, if you do 11:48:53  
24 believe that this is the case, if you believe the 11:49:00  
25 methodology that Dr. Graves has employed here is 11:49:02

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1 incorrect, can you lay out the rationale for that 11:49:06  
2 position? 11:49:10

3 A. Well, the methodology to which I was 11:49:10  
4 objecting was his initial report where he had no 11:49:13  
5 significance tests. I believe my previous testimony 11:49:16  
6 is that you can use a one-tailed test; it just 11:49:19  
7 answers a different question. And you have to, you 11:49:24  
8 know, since the two-tailed test is generally the one 11:49:28  
9 that's employed, I think, you know, there is a burden 11:49:30  
10 of justifying one-tailed test. 11:49:33

11 Q. So you believe that there was a burden 11:49:37  
12 upon Dr. Graves to justify the one-tailed test as he 11:49:42  
13 did in this case, right? 11:49:46

14 A. Yeah, I probably shouldn't have used the 11:49:47  
15 word burden since that comes with legal baggage, but 11:49:50  
16 I think you get my drift. 11:49:55

17 Q. Yeah, legal baggage aside, we won't use it 11:49:57  
18 in that context. All right? I get what you're 11:50:01  
19 saying. So are you saying that Dr. Graves failed to 11:50:02  
20 carry the burden to establish why the one-sided test 11:50:06  
21 was appropriate here? 11:50:11

22 A. No. I don't think I'm even -- I don't 11:50:11  
23 know that I'm even saying that. I think I would 11:50:17  
24 question using just anecdotal evidence, and I think 11:50:20  
25 there's some circularity involved relying on the BPC 11:50:23

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1 study to justify your test that is trying to validate 11:50:28  
2 the BPC study, but at the end of the day, my report 11:50:34  
3 was filed objecting to a report that had no 11:50:38  
4 significance tests in it, and that's where my opinion 11:50:42  
5 lies. 11:50:45

6 Q. And this, where you land on this, you say 11:50:46  
7 there's no significance, is that based on, using this 11:50:52  
8 one-tailed test, Dr. Graves' observation that there's 11:50:57  
9 a probability of .16 of observed sample results and 11:51:00  
10 that not reaching the, quote-unquote, gold standard 11:51:05  
11 of 5 percent? 11:51:10

12 A. I mean, yeah, I don't know -- maybe 11:51:11  
13 there's examples in the peer-reviewed literature 11:51:14  
14 where people have accepted a finding with a p-value 11:51:18  
15 of 0.16 or I think in one instance 0.31 or whatever, 11:51:21  
16 but I can't think of them off the top of my head. 11:51:29

17 Q. Do you recall seeing in Dr. Graves' 11:51:33  
18 rebuttal report, page 3, that -- and do you have it 11:51:37  
19 in front of you, his rebuttal report? 11:51:44

20 A. Yes, I printed these out. 11:51:46

21 Q. Okay, great. If you'll go to page 3 and 11:51:48  
22 it's the fourth paragraph there, it starts with: 11:51:50  
23 "Thus we find that there is a probability..." 11:51:58

24 A. Okay, I'm going to have to ask when we do 11:52:01  
25 page references, can we make it to the actual page 11:52:06

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1 number in the report rather than the typewritten 11:52:09  
2 number at the top? Just so we're on the same page 11:52:13  
3 literally. 11:52:18

4 Q. Sure. I got you. I'm on the bottom of 11:52:18  
5 the page, not the page of the document at the top. 11:52:22  
6 So I'm at page 3 at the bottom of the piece of paper. 11:52:27

7 A. Yeah. I gotcha. 11:52:31

8 Q. Are you with me on the paragraph? 11:52:36

9 A. Yes, I see that. 11:52:38

10 Q. So here Dr. Graves -- and I may, you know, 11:52:40  
11 I'm not a statistician, just a regular old lawyer, so 11:52:46  
12 I may stumble through this a little bit but help me 11:52:51  
13 out. It says: "We find that there's a probability of 11:52:55  
14 0.16 of observing sample results," right? 11:52:58

15 A. Yes. 11:53:00

16 Q. And he goes on to state that that's not 11:53:01  
17 necessarily the gold standard of 5 percent being 11:53:03  
18 necessary to reject the null hypothesis. Do you see 11:53:07  
19 where I am there? 11:53:14

20 A. Yes. 11:53:14

21 Q. But he says: "But it does imply that we 11:53:15  
22 have an 84 percent confidence level that the true 11:53:18  
23 value of the slope coefficient is positive." 11:53:22

24 Did I read that correctly? 11:53:24

25 A. You did read that correctly. 11:53:25

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1 Q. So that may not be the gold standard as to 11:53:26  
2 a confidence level that is typically expected, but I 11:53:31  
3 would say that's at least a silver or bronze; 11:53:34  
4 wouldn't you agree? 11:53:37

5 A. No. 11:53:37

6 MR. TYSON: I'll object to the form. 11:53:38

7 Q. (By Mr. DuBose) 84 percent? 11:53:42

8 A. A p-value of 0.16. 11:53:43

9 Q. Right. 11:53:49

10 A. That's not a -- go ahead. 11:53:49

11 Q. But here in the last sentence he says he 11:53:50  
12 has an 84 percent confidence level. Is your 11:53:53  
13 testimony that this 84 percent confidence level 11:53:56  
14 should just be completely disregarded? 11:54:00

15 A. Yeah, I think -- I mean, to put on my 11:54:02  
16 legal hat, it's Daubertable because it's not up to 11:54:05  
17 the standard of the profession. 11:54:08

18 Q. Right. So the standard -- 11:54:10

19 A. And I think you need to understand, when 11:54:12  
20 he says confidence level, he's not saying we're 11:54:15  
21 84 percent -- he's not saying we're 84 percent 11:54:20  
22 confident the slope is positive. You can't say that, 11:54:21  
23 and I don't think he would say that. He's talking 11:54:25  
24 about confidence in the process. 11:54:29

25 Q. Right. 11:54:31

1 A. What you do with a p-value and the only 11:54:32  
2 thing you can do with a p-value is what he says in 11:54:34  
3 the first sentence that if the null hypothesis of no 11:54:37  
4 difference were true, how probable would the results 11:54:42  
5 we see -- how probable are the results we see. 11:54:46

6 And what this p-value of 0.16 means is 11:54:49  
7 that if there's no hypothesis as we run elections 11:54:53  
8 over and over again, we would see results like this 11:54:58  
9 about one time out of six, which is less than the 11:55:02  
10 probability of having three kids who are all boys 11:55:07  
11 which I can attest to you happens and it's not 11:55:13  
12 unusual. 11:55:15

13 So we would not have a reason to reject 11:55:15  
14 the null hypothesis. And, like I said, I cannot 11:55:18  
15 think of any political science literature that 11:55:21  
16 accepts a p-value of 0.16 to reject the null 11:55:24  
17 hypothesis. 11:55:29

18 Q. And you feel like this is Daubertable, is 11:55:29  
19 what you said. 11:55:33

20 A. Yes. 11:55:33

21 Q. Any other reason for your confidence level 11:55:35  
22 as to rejection of Dr. Graves' opinion here, both on 11:55:41  
23 your statistics hat and your legal hat? 11:55:48

24 A. I haven't really thought of it any further 11:55:51  
25 on the legal hat, but on the statistics hat, I mean, 11:55:55

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1 I guess there's two prongs of the statistics hat, 11:55:58  
2 just as long as we're building a record. 11:56:02

3 The first prong is that -- I guess it's 11:56:05  
4 more the political science hat that I'm -- it may 11:56:08  
5 exist, but I'm not aware of null hypotheses being 11:56:11  
6 rejected with p-value of 0.16 is not what would be 11:56:17  
7 considered reasonable scientific certainty within the 11:56:22  
8 discipline. 11:56:25

9 The second objection is you have to be 11:56:26  
10 very -- he worded that last sentence in a very 11:56:28  
11 specific way, and you cannot take it to mean an 11:56:32  
12 84 percent chance that the slope is positive. 11:56:37

13 Q. Okay. Anything else? 11:56:40

14 A. As I sit here, that's it. 11:56:44

15 Q. So we've kind of touched on a couple of 11:56:46  
16 discrete parts of this rebuttal report. As you -- 11:56:51  
17 and you just reviewed this report prior to us getting 11:56:57  
18 together today, right? 11:57:02

19 A. Yes. 11:57:03

20 Q. Are there any other pieces of this report 11:57:04  
21 that you I guess take issue with? 11:57:06

22 MR. TYSON: Object to form. 11:57:11

23 THE WITNESS: I mean, we can walk through 11:57:13  
24 it, and there might be little things. Certainly 11:57:15  
25 to the extent that this analysis is repeated for 11:57:18

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1 the other various proposed tests, I would object 11:57:22  
2 to them on the same -- in the same way. 11:57:26

3 Q. (By Mr. DuBose) Okay. Anything else? 11:57:35

4 A. As I sit here, you know, no. My only 11:57:39  
5 opinion in the first report was that the data don't 11:57:53  
6 support the conclusion that at least seemed to be 11:57:57  
7 suggested, and nothing in this report changes my mind 11:58:04  
8 about that. 11:58:07

9 Q. Anything else you want to add to the 11:58:08  
10 record about taking issue with the rebuttal report 11:58:12  
11 that we have not covered? 11:58:18

12 MR. TYSON: Object to form. 11:58:23

13 THE WITNESS: Yeah, again, if you have 11:58:24  
14 specific issues, I'll answer any questions you 11:58:28  
15 have, but my main objection at least is to this 11:58:30  
16 paragraph that we've been discussing on page 3. 11:58:35

17 At the bottom of numbered page 4 we can 11:58:39  
18 see kind of a similar analysis repeated, and I 11:58:42  
19 would object to those analyses for the same 11:58:47  
20 reason. 11:58:50

21 Q. (By Mr. DuBose) Okay. A couple follow-up 11:58:50  
22 questions from some things we touched on earlier. 11:58:55  
23 Are you an active member of any bar? 11:58:58

24 A. I believe I'm an active member of D.C. and 11:58:59  
25 an inactive member of Texas; I pay dues in both 11:59:09



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1	those.	11:59:15
2	Q. Have you taken any other bars?	11:59:16
3	A. I took Virginia.	11:59:18
4	Q. Are you inactive there?	11:59:21
5	A. I don't believe I'm even on the rolls	11:59:23
6	anymore.	11:59:26
7	Q. Did you pass the Virginia bar?	11:59:27
8	A. Oh, yeah. Yeah.	11:59:29
9	Q. You just let your membership go?	11:59:31
10	A. They're expensive to keep up.	11:59:34
11	Q. Did you take any other bar exams?	11:59:38
12	A. Well, just to be precise, I only took	11:59:40
13	Texas and Virginia, and then I waived into D.C.	11:59:46
14	Q. Okay.	11:59:50
15	A. And I passed (inaudible.)	11:59:55
16	Q. I'm sorry. What did you say?	11:59:56
17	A. And I passed both the first time.	11:59:58
18	Q. Okay. Turning back to your earlier	12:00:00
19	response about working as a consulting expert and a	12:00:04
20	testifying expert in this case, can you tell me when	12:00:07
21	you began working as a consulting expert?	12:00:10
22	A. Honestly, no.	12:00:15
23	Q. Did you submit a separate bill for the	12:00:17
24	work you did as a consulting expert?	12:00:21
25	A. No. You have all my bills.	12:00:23

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1 Q. So it's one bill for consulting and trial 12:00:26  
2 work or testifying work? 12:00:30

3 A. Yes. 12:00:31

4 Q. Can you tell me how much you were paid for 12:00:33  
5 or how much you billed as a consulting expert? 12:00:40

6 A. No. 12:00:43

7 Q. What was the scope of your work during 12:00:43  
8 your time as a consulting expert? 12:00:49

9 MR. TYSON: And I would object on the 12:00:54  
10 basis that we don't have to disclose -- he was a 12:00:56  
11 consulting expert; we don't have to disclose 12:00:58  
12 what work he was doing while he was a consulting 12:01:00  
13 expert for us. 12:01:04

14 Q. (By Mr. DuBose) Outside of what you were 12:01:04  
15 provided with respect to facts and data for your 12:01:06  
16 testifying expert role, were you supplied any other 12:01:10  
17 facts and data for your consulting expert opinions? 12:01:13

18 MR. TYSON: And, again, I'll just object, 12:01:18  
19 I don't think that's discoverable. He was 12:01:20  
20 retained as a consulting expert for us so I 12:01:20  
21 don't know on what basis you'd have access to 12:01:20  
22 what we provided to him or what analysis he did 12:01:27  
23 for us in a nontestifying capacity. 12:01:27

24 Q. (By Mr. DuBose) Was there a connection 12:01:33  
25 between the consulting expert and testifying expert 12:01:35

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1	work?	12:01:38
2	MR. TYSON: And, again, same objection.	12:01:41
3	MR. DUBOSE: Okay. We may be done. Give	12:01:51
4	me a minute and I'll come back. All right?	12:01:54
5	THE WITNESS: All right.	12:02:01
6	(Recess from 12:02 p.m. to 12:04 p.m.)	12:02:07
7	Q. (By Mr. DuBose) Mr. Trende, you there?	12:04:48
8	A. I am.	12:04:50
9	MR. DUBOSE: Just one little housekeeping	12:04:53
10	thing. Bryan, you objected on the questions	12:04:55
11	with respect to his role as a consulting expert.	12:04:59
12	Just to be clear, were you instructing him not	12:05:03
13	to answer those questions?	12:05:06
14	MR. TYSON: Yes, I was because that's not	12:05:10
15	discoverable information under the Federal	12:05:12
16	Rules, yes.	12:05:14
17	Q. (By Mr. DuBose) And, Mr. Trende, you're	12:05:15
18	going to follow Mr. Tyson's direction; is that	12:05:16
19	correct?	12:05:19
20	A. Yes.	12:05:19
21	MR. DUBOSE: That's all I've got.	12:05:22
22	MR. TYSON: I don't have anything to add,	12:05:24
23	so that will be it for the day. Thank you.	12:05:24
24	THE REPORTER: Gentlemen, don't leave me	12:05:24
25	yet. Okay?	12:05:24

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1 (Discussion ensued off the record.) 12:05:49

2 MR. TYSON: Mr. Trende, do you want to 12:05:49

3 read and sign? 12:05:51

4 THE WITNESS: Honestly, am I able to just 12:06:02

5 read it and send you an image of my signature, 12:06:10

6 or do I need to get it, like, notarized? 12:06:14

7 MS. BRYAN: Bryan, what we agreed to in 12:06:25

8 the declarant depositions is just to let the 12:06:27

9 witness handwrite on the errata sheet: "I 12:06:31

10 hereby declare under penalty of perjury pursuant 12:06:34

11 to 28 U.S.C. 17 46 that the foregoing is true 12:06:38

12 and correct" so that they don't need to get a 12:06:40

13 notary. 12:06:43

14 MR. TYSON: That's fine with me if we want 12:06:44

15 to use that process here as well. 12:06:46

16 THE WITNESS: I never really find much, 12:06:51

17 but I'll read and sign. 12:06:52

18 MS. BRYAN: I think we had asked for a 12:07:25

19 draft but no rush delivery. 12:07:28

20 MR. TYSON: We just would need electronic 12:07:32

21 only and no rough draft for us. 12:07:35

22 (Whereupon, the deposition was concluded 12:08:01

23 at 12:08 p.m.)

24 (Pursuant to Rule 30(e) of the Federal

25 Rules of Civil Procedure and/or O.C.G.A. 9-11-30(e),

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signature of the witness has been reserved.)

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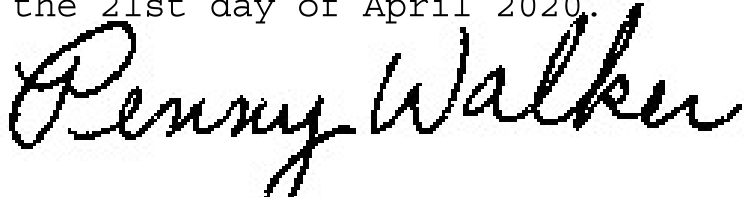
C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages 1 through 77 represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the regular employ of counsel for any of said parties; nor am I in anywise interested in the result of said case.

This, the 21st day of April 2020.



PENNY MCILHERSON WALKER, CCR-B-914

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1 My name is Penny McPherson Walker. I am a  
2 Georgia certified shorthand reporter. This  
3 deposition is being held via videoconferencing  
4 equipment. The witness and the reporter are not in  
5 the same room. The witness will be sworn in remotely  
6 pursuant to agreement of all parties. The parties  
7 stipulate that the testimony is being given as if the  
8 witness was sworn in person.

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